

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1229

**Introduced by Assembly Member Nation
(Principal coauthor: Assembly Member Pavley)**

February 22, 2005

An act to amend Section 43200 of, and to add Section 43200.1 to, the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1229, as amended, Nation. Air pollution: new motor vehicles: air pollution label.

Existing law permits the State Air Resources Board to adopt a regulation to prohibit the sale and registration of any new motor vehicle certified by the state board to which there has not been affixed *by the manufacturer* on a side window to the rear of the driver or, if it cannot be so placed, to the windshield, a decal disclosing specified emissions information, including, for 1976 and subsequent model year motor vehicles, ~~the~~ exhaust emissions *data, determined* as provided. Existing law requires the state board to develop and adopt regulations that achieve the maximum feasible and cost-effective reduction of greenhouse gas emissions from motor vehicles. Existing law also prohibits the sale and registration of a new motor vehicle unless a decal that discloses a smog index for the vehicle is affixed, as specified *above*.

This bill would expand the requirement to place ~~the~~ exhaust emissions information for 1976 and subsequent model year motor vehicles on the emissions index decal ~~to affix to the~~ *to include the affixiation of additional emissions data*, as provided, ~~of~~ *on* any new motor vehicle. The bill would require the decal to be affixed to the

driver's side window or, if it cannot be so placed, to the windshield. The bill would require a specified ~~emissions~~ *smog* index and a global warming index to be included on the emissions information decal that ~~are~~ *the* state board is authorized, by regulation to require. ~~This~~ *The* bill would require *the* state decal to be renamed the air pollution label, ~~and~~ *. The bill* would subject ~~those provision~~ *the above provisions*, at a minimum, all passenger cars and light-duty trucks with a gross vehicle weight of 8,500 pounds or less, and all vehicles that are subject to those regulations adopted by the state board pertaining to ~~greenhouse~~ *achieving reductions in global warmings* gases.

This bill would also require the state board to seek specified input in designing the air pollution label; to update the indices included in the air pollution label as necessary; ~~to recommend to the Legislature additional sources of air pollution that emit significant amounts of greenhouse gases for which the disclosure of information regarding those emissions would be an effective means of educating the public about the sources of global warming and its impacts; and to incorporate information from the air pollution label into existing programs designed to educate motor vehicle consumers about emissions of greenhouse global warming gases and other air contaminants. This bill would permit the state board to recommend to the Legislature additional sources of air pollution that emit significant amounts of global warming gases for which the disclosure of information regarding those emissions would be an effective means of educating the public about the sources of global warming and its impacts.~~

This bill would make legislative findings and declarations relating to ~~greenhouse~~ *global warming* gases and motor vehicle emissions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The use of fossil fuels in motor vehicles is one of the
- 4 primary human sources of ~~greenhouse~~ *global warming* gases that
- 5 trap heat in the Earth's atmosphere, leading to a warming effect
- 6 on the planet.

1 (b) Increasing concentrations of ~~greenhouse~~ *global warming*
2 gases in the atmosphere are likely to accelerate the rate of climate
3 change in California.

4 (c) Scientific research indicates that the impact of global
5 warming on our environment will be profound. Global warming
6 will significantly impact the state's air quality, water resources,
7 forests, agricultural regions, coastal regions, and the health of the
8 state's residents.

9 (d) It is the intent of the Legislature to inform residents of the
10 state of the human activities that significantly contribute to global
11 warming by requiring disclosure of emissions associated with
12 those activities.

13 SEC. 2. Section 43200 of the Health and Safety Code is
14 amended to read:

15 43200. (a) The state board may adopt a regulation to
16 prohibit the sale and registration in this state of any new motor
17 vehicle certified by the state board to which there has not been
18 securely *and conspicuously* affixed on the driver's side window
19 or, if it cannot be so placed, to the windshield of the motor
20 vehicle in accordance with paragraph (3) of subdivision (b) of
21 Section 26708 of the Vehicle Code, by the manufacturer a decal
22 on which the manufacturer shall endorse clearly, distinctly, and
23 legibly true and correct entries disclosing the following
24 information concerning the motor vehicle:

25 (1) The emission standards adopted by the state board
26 pursuant to Section 43101 that are applicable to that motor
27 vehicle.

28 (2) The emissions, based on quality audit tests of assembly
29 line motor vehicles or, if required by the state board, as
30 determined by the factory assembly line test for that motor
31 vehicle, and, at the beginning of each model year, based on
32 certification fleet data.

33 (3) The air pollution label required by Section 43200.1.

34 (b) A regulation may be adopted pursuant to this section only
35 if the state board finds that the regulation is necessary for either
36 of the following:

37 (1) To enforce or ensure compliance with applicable statutes,
38 standards, or procedures relating to vehicle emissions.

39 (2) For the protection and information of consumers.

40

(c) Nothing in this division or in any other statute shall be construed as prohibiting a purchaser from removing the decal required by this section, after the purchaser has taken possession of the vehicle.

SEC. 3. Section 43200.1 is added to the Health and Safety Code, to read:

43200.1. (a) The Legislature finds and declares all of the following:

(1) Since 1998, the state board has imposed smog index label specifications on new passenger cars and light-duty trucks that are sold and registered in the state to inform consumers about emissions of air contaminants from the use of new vehicles.

(2) On September 5, 2003, the state board adopted California smog index label specifications for 2004 and subsequent model passenger cars and light-duty trucks. The specifications adopted in that rulemaking include a smog index for each vehicle and a fleet average smog index for each average new vehicle for that model year.

(b) (1) (A) The state board, not later than January 1, 2007, shall revise the regulations adopted pursuant to Section 43200 to rename the decal required by those regulations as the air pollution label, and to require the air pollution label to include, for model year 2009 and subsequent model year motor vehicles, information on the emissions of ~~greenhouse~~ *global warming* gases from motor vehicles for the same model year.

(B) This subdivision applies to, at a minimum, all passenger cars and light-duty trucks with a gross vehicle weight of 8,500 pounds or less, and to all motor vehicles subject to regulation pursuant to Section 43018.5.

(C) Emissions of global warming gases shall include emissions from vehicle operation and upstream emissions.

(2) The air pollution label shall include all of the following:

(A) A ~~emissions~~ *smog* index that contains quantitative information presented in a continuous, easy-to-read scale and that compares the emissions from the vehicle with the average projected emissions from all vehicles of the same model year sold in the state for which an air pollution label is required. For reference purposes, the index shall also identify the emissions from the vehicle model of that same model year that has the lowest emissions.

1 (B) A global warming index that contains quantitative
2 information presented in a continuous, easy-to-read scale and that
3 compares the emissions of ~~greenhouse~~ *global warming* gases
4 from the vehicle with the average projected emissions of
5 ~~greenhouse~~ *global warming* gases from all vehicles of the same
6 model year sold in the state for which an air pollution label is
7 required. For reference purposes, the index shall also identify the
8 emissions of ~~greenhouse~~ *global warming* gases from the vehicle
9 model of that same model year that has the lowest emissions of
10 ~~greenhouse~~ *global warming* gases.

11 (C) A brief explanation, prepared by the state board, of the
12 indices required by this section, including the identification of
13 motor vehicle usage as a primary cause of global warming, and
14 how emissions of those gases from motor vehicles may be
15 reduced.

16 (D) The use of at least one color ink, as determined by the
17 state board, in addition to black.

18 (c) In order to ensure that the air pollution label is useful and
19 informative to consumers, the state board shall, to the extent
20 feasible within its existing resources, seek input from automotive
21 consumers, graphic design professionals, and persons with
22 expertise in environmental labeling, in designing the air pollution
23 label.

24 (d) The indices included in the air pollution label pursuant to
25 paragraph (2) of subdivision (b) shall be updated as determined
26 necessary by the state board to ensure that the differences in
27 emissions among vehicles are readily apparent to the consumer.

28 (e) The state board, in consultation with other agencies as
29 appropriate, ~~shall~~ *may* recommend to the Legislature additional
30 sources of air pollution that emit significant amounts of
31 ~~greenhouse~~ *global warming* gases for which the disclosure of
32 information regarding those ~~emission~~ *emissions* would be an
33 effective means of educating the public about the sources of
34 global warming and its impacts.

35 (f) The state board shall, as it determines appropriate and to
36 the extent feasible within its existing resources, incorporate
37 information from the air pollution label into existing programs
38 designed to educate motor vehicle consumers about emissions of
39 ~~greenhouse~~ *global warming* gases and other air contaminants.

1 (g) For the purposes of this section, the following definitions
2 apply:

3 (1) ~~“Greenhouse~~ “*Global warming* gases” has the meaning *as*
4 *greenhouse gases* given in subdivision (h) of Section 42801.1.

5 (2) “Upstream emissions” means emissions of ~~greenhouse~~
6 *global warming* gases that occur during the extraction, refining,
7 transport, and local distribution of motor vehicle fuels as
8 determined by the state board.